



**WINCHESTER COMMON COUNCIL
IN REGULAR SESSION
APRIL 14, 2015**

DRAFT

A regular session of the Winchester Common Council was held on Tuesday, April 14, 2015, in the Council Chambers, Rouss City Hall. President Willingham called the meeting to order at 6:02 p.m.

PRESENT: Councilor Evan Clark, John Hill and Corey Sullivan; Vice-President Milt McInturff; City Councilor Kevin McKannan and William Wiley; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (9)

ABSENT: None (0)

President Willingham acknowledged the attendance of the Insight Academy participants.

MOMENT OF SILENCE – President Willingham led the councilors and citizens in a Moment of Silence.

PLEDGE OF ALLEGIANCE – Mayor Minor led the councilors and citizens in the Pledge of Allegiance.

APPROVAL OF MINUTES – March 24, 2015 Regular Meeting and March 24, 2015 Work Session

Vice-Mayor Veach moved to approve the minutes as presented. *The motion was seconded by Councilor Wiley then unanimously approved by voice-vote.*

REPORT OF THE MAYOR

Mayor Minor stated she did not have a report to present.

REPORT OF THE CITY MANAGER

City Manager Eden Freeman announced this week is Public Safety Telecommunications Week honoring first responders particularly the dispatchers. She stated the excellent service of the City's dispatchers was recognized last night at a dinner and Michael Sale was recognized as Dispatcher of the Year. Ms. Freeman announced this week is also National Volunteer Week which gives the City a chance to recognize all of the Fire & Rescue volunteers. The Winchester Fire & Rescue volunteers own all four of the fire stations as well as the apparatus and provide a critical role in providing public safety services and responding to emergencies. Ms. Freeman announced the plans to renovate the Joint Judicial Center are proceeding and the project is on schedule to advertise for construction bids in May. Ms. Freeman announced the Winchester Parks &

Recreation is hosting a Ward 3 Community Garden Interest meeting on April 24th at 5:00 p.m. in the War Memorial Building at Jim Barnett Park. She invited anyone interested in the community garden to attend the meeting. Ms. Freeman announced Family Literacy Day is planned for April 18th in Frederick Douglass Park. This event promotes reading and family togetherness and is a kick off for the Valley Reads program. Ms. Freeman announced the Old Town Farmers Market has received 19 applications from vendors but they are still looking for vendors with cured meats and cheeses to add to the variety of products being offered. The market will begin on May 16th.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated he did not have a report to present.

PUBLIC HEARINGS

1.1 O-2015-09: Second Reading – AN ORDINANCE TO APPROVE THE APPLICATION OF CONGREGATIONAL COMMUNITY ACTION PROJECT FOR TAX EMEMPT STATUS BY DESIGNATION PURSUANT TO CHAPTER 27 DIVISION 5 OF CODE OF THE CITY OF WINCHESTER

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public hearing at 6:06 p.m.

Vice-Mayor Veach moved to deny the tax exempt application of Congregational Community Action Project in O-2015-09. *The motion was seconded by Councilor Clark then adopted by the affirmative vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Nay
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Nay
President Willingham	Aye

1.2 O-2015-10: Second Reading – AN ORDINANCE TO DENY THE APPLICATION OF HABITAT FOR HUMANITY OF WINCHESTER-FREDERICK COUNTY, INC. FOR TAX EXEMPT STATUS BY DESIGNATION PURSUANT TO CHAPTER 27 DIVISION 5 OF CODE OF THE CITY OF WINCHESTER

Michael Butler of 2653 Windwood Drive spoke in favor of the application for tax exemption for Habitat for Humanity. He stated all of the properties meet the eight standards in City Code 27-32(C). He answered Council's previous questions regarding tax exemption requests in the future on these properties and tax exemptions granted in other localities. Mr. Butler reminded Council the Habitat for Humanity ReStore puts \$35,000 of sales tax into the local economy each year plus \$7,000 in real estate taxes.

Greg Hutchinson of 2187 Apple Pie Ridge spoke in regards to a court case referenced in the application and whether the case, *Mariners Museum v. Newport News*, is a barrier for qualifying for an exemption. He stated he believes the case is favorable to Habitat's position because substantial revenues are not being generated from the rental properties and the revenue generated goes to the core purpose of the charitable organization.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:14 p.m.

Councilor Sullivan moved to approve the tax application of Habitat for Humanity in O-2015-10. *The motion was seconded by Councilor Hill then adopted by the affirmative vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Nay
Councilor McKannan	Aye
Mayor Minor	Nay
Councilor Sullivan	Aye
Vice-Mayor Veach	Nay
Councilor Wiley	Nay
President Willingham	Nay

1.3 O-2015-03: Second Reading – AN ORDINANCE TO CONDITIONALLY REZONE 10.59 ACRES AT 200 MERRIMANS LANE (*Map Number 149-01- -7-A*), FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY (0.80 ACRES) AND CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT (9.79 ACRES) TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY RZ-14-663

Kathleen Beyrau of 770 Johnston Court spoke in opposition to the rezoning of 200 Merrimans Lane. She stated she and her neighbors submitted a signed petition opposing the rezoning because of a change to the Comprehensive Plan approved in 2014 that states a rezoning

would be appropriate if it had PUD overlay zoning and age-restricted housing.

Ty Lawson spoke on behalf of Ridgewood Orchard Limited Partnership and submitted that over time they have answered all of the questions asked by Council. He stated the market rate apartments will address the age restricted concerns on their own.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:32 p.m.

Councilor Wiley moved to approve O-2015-03. *The motion was seconded by Councilor Clark then adopted by the affirmative vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Nay
Councilor McKannan	Aye
Mayor Minor	Nay
Councilor Sullivan	Nay
Vice-Mayor Veach	Nay
Councilor Wiley	Aye
President Willingham	Aye

1.4 O-2015-08: Second Reading – AN ORDINANCE TO AMEND SECTION 27-10 PERTAINING TO REAL PROPERTY TAX RATE

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public hearing at 7:40 p.m.

Vice-President McInturff moved to amend the tax rate to \$0.91. *The motion was seconded by Councilor Sullivan then unanimously approved by voice-vote.*

Councilor McKannan moved to approve O-2015-08 as amended. The motion was seconded by Mayor Minor *then adopted by the affirmative vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye

Councilor Wiley
President Willingham

Aye
Aye

2.0 PUBLIC COMMENTS

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public comments at 7:42 p.m.

3.0 CONSENT AGENDA

- 3.1** Motion to direct the Clerk of Council to prepare Certificates of Appreciation for Rex Marshall and Nate Prezzy as members of the Social Services Advisory Board
- 3.2** Announce the resignation of Terry Bohan as a member of the Old Town Development Board and direct the Clerk of Council to advertise the vacancy

Vice-President McInturff moved to approve the Consent Agenda as presented. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

4.0 AGENDA

5.0 EXECUTIVE SESSION

- 5.1** MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A) (7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS.

Vice-President McInturff moved to convene into executive session at 7:43 p.m. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Vice-President McInturff moved to reconvene in open session at 8:17 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Aye

6.0 ADJOURNMENT

Vice-President McInturff moved to adjourn the meeting at 8:17 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*